

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RIGHTHAVEN, LLC,

Plaintiff,

vs.

EMTCITY.COM, *et al.*,

Defendant.

Case No. 2:10-cv-00854-HDM-PAL

ORDER

(Mot. Stay Rule 26(f) Conf - Dkt. #12)

Before the court is Defendants' Motion to Stay Rule 26(f) Conference (Dkt. #12). The court has considered the motion, Plaintiff's opposition (Dkt. #15), and Defendants' reply (Dkt. #17).

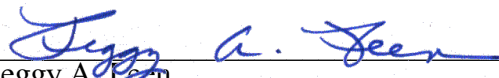
The Complaint in this case was filed June 4, 2010, and involves an action for copyright infringement pursuant to 17 U.S.C. § 501. Defendant Christopher J. Malley d/b/a EMTCity.com was served and responded to the Complaint by filing a Motion to Dismiss pursuant to Fed.R.Civ.P. 12(b) for lack of subject matter jurisdiction, lack of personal jurisdiction, and improper venue. Defendants argue that it is premature for the parties to conduct a Rule 26(f) conference and begin discovery until the court decides the pending Motion to Dismiss. Additionally, because Malley lives in New Hampshire, requiring a Rule 26(f) conference and the initiation of discovery would cause him to incur potentially unnecessary attorneys fees and costs.

Plaintiff opposes the motion, asserting the Motion to Dismiss is likely to be denied base on recent rulings in similar cases. On October 20, 2010, the district judge held a hearing and denied the motion to dismiss without prejudice to be renewed within fifteen days upon completion of limited discovery, and gave the parties forty-five days to conduct discovery concerning standing and specific jurisdiction issues raised in the motion.

Based on the foregoing,

1 **IT IS ORDERED** Defendants' Motion to Stay Rule 26(f) Conference (Dkt. #12) is
2 **GRANTED** in part and **DENIED** in part. The parties shall conduct a Rule 26(f) conference for the
3 purpose of discussing and scheduling the limited discovery directed by the district judge.

4 Dated this 26th day of October, 2010.

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7 Peggy A. Leen
8 United States Magistrate Judge
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